Letter A since the question relates to lands in Cantt. Sir, See also S.N. 65 243-89

File No. 494

Collection No.

1985

Mysore Residency

Proc. Serial Rec.

135

Subject.

Case of Mr Standish & ors who was required to pay 30 times the assessment on an [illegible] converted into building sites

Previous References.

Later References.

30/86

Regr. No. 1885.

RESIDENT'S OFFICE.

Proceedings,—

File No. 4-94-87-85

List of References.

From Mr Standish Lee

No.

Dated 10th Sept. 85 } Enc.

Received } Spare copies

Subject.

Mr Standish Lee's Complaint against the Municipality for refusing to renew grants for his two houses

Notes and orders.

Sl. No 1.

In letter dated 10th Sept 1885 Mr Lee represents that since the year 1866 he owned a plot of Kandayem land in Bangalore for which land he applied in the year 1871 to the President of the Municipality for a grant in lieu of the Puttah granted to him by the Revenue Authority when he took it up for the purpose of Cultivation. The President informed Mr Lee that Grants were only issued for lands previously Cultivated & having reverted to Government when free by [illegible]

& returned to Mr Lee with S. No 10.

Docketed S. No 1 10th Sept/71 Enclosure to Serial No 1. Marked B - returned to Mr Lee with S. No 10.

(Continuation of Note or Précis.)

2 Mr. Lee then divided his plot of land into 4 building sites and obtained permission of the President of the Municipality to build two houses.—

Enclosure to No 1 marked C returned to Mr. Lee with S. No 10

3 On the 12th April 1873 Mr Lee ~~applied~~ again applied for a grant in lieu of the Revenue Patta, when he was told by the President that he should, in the first instance obtain permission from the Dy Comr, Bangalore District to appropriate the land for building purposes, and pay the necessary fee fixed for the same.— In the mean time the fact of the construction of the two houses by Mr Lee on land leased to him for cultivation was reported by the Shanbogue on the 4th February 1873 to the Revenue Authorities, and on the 25th October 1873 the Amildar of Bangalore issued a Notice of demand on Mr Lee in accordance with Section IV of the Rules prescribed under Section XXXV of Bombay Act I of 1865, to pay the sum of Rs 32.8" being the amount of assessment on the land for 30 years.—

Enclosure to No 1 marked D returned to Mr. Lee with S. No 1.

Enclosure to No 1, marked E returned to Mr Lee with S. No 10.

1 Para 3 of Comm. No 545 of 24th June 1873 from the Dy. Comr. Bangalore District to Revenue Dept. marked G returned to Mr. Lee with S. No 10.

Enclosure to No 1 marked F returned to Mr Lee with S. No 11

X Notification No. 1 of 14th Feb

4 In his present letter

(Continuation of Note or Precis.)

Mr Lee states that on the circumstance under which he built the houses being explained to the Revenue authorities, the question of levying the penalty was dropped.

5- On the 13th July 1876 Mr Lee again applied for a grant, when he was directed by the President to submit documents proving his title, which he did on the 8th August 1876.-

No further action appears to have been taken in the matter until February 1879, when the President addressed the Deputy Comr of the Wangaree District on the subject, and in letter No 544 dated 21st June 1879 the Dy Comr reported that the question of the payment of the fine by Mr Lee was raised at the time he was Constructing the houses; that it was after the introduction of the Survey Settlement in the hobly that Mr Lee appropriated the land for building purposes and therefore it becames binding on him to conform to the Survey rules. That the Cantingent on this land was not remitted, it was regularly collected till the Close of

No record of the Mr Lanahan in corresp... to

Docket No 621 of 17 July 1876 - inclosure Serial not ... returned to Mr Lee with S. No 10. 6

Inclosure to Dr No 1 numbered 5. returned to Mr Lee with S. No 10

1877/78 - and in January 1879 Mr Lee objected to the payment - and that he was not absolved from the payment of the fine demanded.-

7 Mr Lee now bases his claim on the following grounds -

a. That he was told by the President that Grants could not be issued until the land had been built upon.-

b. In building the houses he complied with the Municipal regulations and obtained permission from the President.

c. The demand of a fine from the Dy Com^{r}, was not made until the houses had advanced towards Completion - that preparations to build were reported in February 1878 by Mr Shambogue and the notice of demand was served on him in Nov^{r} 1873.

d. If any error had been committed it was by the Municipality who encouraged the building of the houses -

e. The Municipal Laws is defective inasmuch as it does not prescribe the form of procedure - that he has a right to the grants under the law as it stands.

Mr Lee further argues that the Dy Com^{r} bases his demand

(Continuation of Note or Precis.)

1117

for the fine on Section 35 of Bombay Act I of 1865 but loses right of Section IV of Bombay Act IV of 1868, which in declaring the former Act applicable to towns and Cities confirms the existing rights of occupancy of all lands in towns and cities so far as the interest of Government is concerned. The lands held by him on similar title to the plot forming the subject of Complaint, were converted under similar circumstances into building sites previous to the extension of the Bombay Survey and Settlement Act to Mysore, and grants were issued for them without demur. This right therefore in the use of this land cannot be altered, nor any new right on behalf of the Government created by the introduction of the Act.

9. Mr Lees letter was sent to the President of the Municipal Comm. for report with letter No 1780 of 29th Septr 1885 from this office, and Major Mutty in letter No 1560 of 1st Dec. 1885 reports that as Mr Lee had built houses on lands leased to him for Cultivation he must pay the fine of 30 years assessment in accordance with the Survey Rules which he has successfully evaded for many years - that his having got permission from the President to build is altogether beside the question that the sanction of the Municip

* Published in the Mysore Gazette 7th Sept 1869. Slip N.

Slip O

Trial No 2

No 1 to 4.

Circular No 267 of 14th 70 page 150 of the Mysore Gazette - Slip

nality to build has to the
obtained merely on Sanitary
grounds under Section 147 of the
Municipal Regulations to ensure
that houses are so built that
they can be efficiently drained
& to seriously argue that
the sanction of the President
to erect a building, gives the
applicant any better title in
the land than he otherwise
has, is ridiculous.—

10. That there was only 8 days
time between Mrs Lees getting
leave from the Municipality to build,
and being told by the same
authority that he must go to
the Deputy Commissioner, for permission
so he could hardly have been
prejudiced under any circumstances,
he knew very well that the
Municipal President had nothing
to do with the land in question
or what was done on it, especially
at that time, as Dr Orr was the
President of the Board and he
was purely and simply a
Municipal Official and had
nothing to do with Government
work.—

11 Major Maltby also states that
letter No 544 dated 21st June 1879
from the Deputy Com.r Bamboutake
District quoted in para 6 of this
note disposes of the matter
as it was passed by the proper
officer, and Mr Lee has never
appealed against it in all
these years, & if he did appeal
he was unsuccessful
that, the Deputy Commissioner

below papers in this file.

Encl. in ... 14. - returned to Mr Lee with S 20/10.

(Continuation of Note or Precis.)

was the proper authority to give the required permission not the President of the Municipality.

12 Major Maltby states that he cannot account for the delay of 39 months that occurred between the time the report was made and the demand of the fine (para 7. C. of note) except that it was a revenue matter which is usually disposed of at the Jumnabundi which takes place in November or December, but the delay can hardly be held to improve Mr Lees title.

13 That Mr Lees statement in para 4 of his letter that this matter was over and over urged by him in succeeding years on the President until that officer in his docket No 1717 dated 4th Feby 1885 refused to re open the subject is simply untrue.

Enclosure to No 1 marked I. returned to Mr Lee with S. No 10

14. Major Maltby states that Mr Lee is bound to pay the 30 years fine for the land, as the order of Mr Dy. Comr stands good till reversed by proper authority, and unless the order is now reversed by the Resident, he proposes to take steps for the collection of the fine during the Current years Jumnabundi.

15. In continuation of his report Major Maltby with his letter No 1635 of 12th Dec 1885 forwards

Encl 5

a pre y correspondence received from the Dy Comr Bangalore District on the subject y the levy y a penalty y 30 times the assessment on Agricultural lands converted into building Sites as it bears on Mr Lee's Case -

Enclosure No Serial No

16 From the correspondence sent by Major Malthy it appears that one Nassim Sahib converted a plot y agricultural land into a building site, and on his failing to pay the penalty the Dy Comr Bangalore Dist applied for sanction for the sale y the building, to recover the penalty, and on enquiry it was ascertained that permission was granted by the Municipal President to Nassim Sahib to build on the land, thereby Comr of Mysore in his order No 4952 dated 29th Nov 1880 remitted the penalty, and directed that Kandayum should continue to be paid for the land taken up for the building, and the Dy Comr was also directed to recover the arrears due.

875 Enclosure to Para 16 of Despatch P

17 It was also observed that the existing rule for the levy of a penalty of 30 times the assessment, as well as the annual assessment on

(Continuation of Note or Precis.)

113

lands taken up for building seemed unnecessarily harsh and the Survey Commissioner was asked whether the levy of 20 times the assessment as penalty, might not be considered as an equivalent for the Kandayam, and the Kundayam thenceforward remitted on the land in consideration of the payment of the penalty.—

18 The Survey Commissioner in his letter No 1023 of 21st Decr 1880 reported that Kandayam referred solely to the tax on the land when used for agricultural purposes, and in no way represents the taxable value of the land as building land in the vicinity of a place like Bangalore. The rules regarding the fine to be imposed on building sites were adopted deliberately and had taken effect in numerous cases, it would therefore appear inexpedient to now change them.— No action was taken on the report.

Please see linked file of Correspondence obtained from the Late Chief Commissioner's Office. Sept 12

K. W. 6.A.

19 Major Malthy has not seen the report of the Survey Commissioner referred to above it was obtained from the records of the late Chief Commissioner, but Major

Major Maltby's decision, he would not blame it is presumed, written his decision Letter Dr. 1635 of 12 Dec 1885.

5 of file

20 In the face of the report of the Survey and Settlement Commissioner (para 18 of note) the Off. Resident may perhaps not be inclined to remit the penalty, may Mr Lee be told that he is bound to pay it, and that he should apply to the Revenue Authorities for grants and not to the President of the Municipality.

Please see Secs 35 and 10 of Act No. 14 of 1884 [illegible] N. & C. Bks

21 A copy of letter No 1023 of 21st Dec 1880 from the Survey and Settlement Commissioner referred to in para 18 of this note, may be sent to Major Maltby for information, and he may be told that his proposal to take steps in accordance with the Revenue rules for the collection of the fine is approved.

J.D.
31/12/85
H.L.

22. Forward report of Survey Commission (alluded to in para 18) of Major Maltby, and ask if he would like to modify his former opinion J. Dec 14.1.86

23- Dft. sent accordingly 14.1.86 24. Issued J. Dec 15.1.86

Serial No. 6.

25. Letter to the President, Municipal Commission, & Secretariat, Bangalore issued accordingly, No. 137/494 d/20th Jany 88.

Serial No. 7—.

26. The Presidt. Mmpal Commn. in letter No. 1826 d/ 20. Jany. 88. in reply to above says that he would be guided by the Survey Commissioner's opinion on the subject—pr. d/. please see para 18 of this Note—

27. The suggestion contained in the latter part of para 21 may now be carried out, and he. be informed, in reply to his petition, that it has been considered by the Offg. Resident, who finds that he has no just cause of complaint against the Municipality, but that on the contrary according to the Revenue Rules, he is liable to a fine of 30 years assessment on the lands taken up by him for building purposes—.

Serial No. 1.

M. 29. 1. 86.

28. This is a long Office note, but it gives a careful history of the case Rajah Mattaya's remarks as conveyed

12.

in para 10 appear to be sound.

The report of the Survey Commissioner is enclosed in para 18. also in S. No. 6A. and in connection with the letter marked by slip P should be considered.

The sanction of the Municipality does not in this case appear to be sufficient sanction for Mr. Lee to convert his Kandyan tenure into building plots.

President

D. M. C.
10.2.86.

29 The areas required in para 27 of the note may be allowed.

C.
15.2.86

Principal Asst.

30. Submit draft with office note to Admn

(not file)

D M C
14.2.86

31. Draft submitted for approval.

16/2/86. [illegible]

32 The draft submitted does not express para 27. sent to Mr. Clarke to submit draft by own return to Bangalore

D. M. C.
17.2.86.

3. M/L submitted accordingly.

R.L. 1.3.86

34 Issue D.M. 1-3-86.

35. Letter to Mr Standish Lee issued. No. 460/4945 dated 2nd March 1886. & copy of the same to the President, Municipal Commrs, 6th station, No. 461/4945 dated 2nd March 1886

Serial no 8.

Serial no 9. 36. Letter from Mr S. Lee d 22nd May 86.

In this letter Mr Lee requests that the enclosures to his letter d 10th September 1885, may be returned to him.

Serial no 1

37 Draft returning the enclosures, submitted for approval

38

A Subramanya
26/5/86.

S. no 10. 39. Letter to Mr Standish Lee of Improvements issued, No. 1571/4945 dated 27th May 1886.

E.P.

S. no 11. 40 Letter from Mr S. Lee, dated 19th July 1886.

In this letter Mr Lee, recapitulates, what has been said above in paras 2, 3 & 4 of this note, and refers to S. no 1, in which he made a representation to the Resident, regarding the houses built by him on his Kandayan land. Mr Lee further refers to the orders of the Hon'ble Resident (contained in paragraph 29 of this note), communicated to him (Mr Lee) in Serial no 8

41 With reference to S. No. 8, Mr. Lee now submits, that the Collector, construed it, as an order from the Resident to recover the penalty therein referred to, and accordingly served him with a notice on 28th June last; that thereupon he asked the Collector to give him some time to prepare and submit a memorial to the Viceroy, but that officer informed him that he would proceed to sell the property on the 23rd July last, if the demand for payment was not met; and that the delay in the submission of a memorial to the Viceroy is owing to the non-receipt of the Proceedings of the late Chief Commr. of Mysore, cancelling the penalty for building on lands within towns.

† It has been ascertained from the Amildar's office, that the date fixed for holding the sale is 30th August.

42 Mr. Lee contends that the Collector is wrong in construing Serial No 8, to be an order forfeiting the penalty, on the following grounds:-

(a) that there was no written demand against him when he made his representation, nor is there any entry, in the Revenue Accounts that were transferred from Mysore, showing that any penalty is due by him.

(b). That scores of parties, who

have built houses on arable land like himself, but have preferred no appeal, are not similarly dealt with, and

(C) that no demand, even in his case, would have been made but for his appeal to the Resident.

S. No 1.

43. Under these circumstances Mr. Lee requests that the Collector may be asked to allow matters to stand as they were before he preferred his appeal to the Resident, until such time as the orders of the Viceroy on the memorial to be submitted by him within 3 weeks from the 19th July 1886 are received.

44. Mr. Lee further begs permission to observe as follows:- "that it "appears on the face of it, an "anomaly to demarcate certain "limits for a town, that is, for "building on: to pass a special "law that no one is to build "within those limits without per- "mission of the Municipality: "to discourage, on sanitary "grounds, cultivation within "such area, by prohibiting the "use of manure &c., and when

"due permission under such Mu
"cipal law is obtained, and the
"land applied to its legitimate
"use, that is, as building sites, to
"apply the provisions of the Revenue
"Survey rules - which rules have been
"drawn up for rural districts
"and are calculated to operate in
"the opposite direction of what should
"be the aim of Municipal authorities.
"The rules impose a prohibitive
"penalty for building on arable
"land, to compensate for loss of
"revenue to Govt, while each addi-
"tional house in a town brings
"additional income to the Munici-
"pality by assessment over and
"above the Kandayem of the land
"it is built on."

46. With reference to the letter under disposal, Office begs to submit that a history of Mr. Lee's case will be found in paras 1 to 27 of this office note to which attention is invited. It may not be out of place here to state — that as Mr. Lee has built houses on arable or Kandayem land, he is subject to the penalty of 30 years assessment on the land. (Please see paras 3 and 9 of this note). He cannot free himself

(Continuation of Note or Precis.)

from the payment of the penalty in the face of the views of the Survey Comm^{n} (in the matter) contained in para 18 of this note. As to Mr^{s} Lee's contention that no demand for penalty was made when he preferred his appeal to the Resident &c^{a} (para 42, sub paras a & e), it is submitted that it will be seen from paras 3, 5, 9, 11 & 13 of this note that demand for the payment of the penalty was made from the beginning biz since 1873, and that Mr^{s} Lee has been successfully evading payment.

46 The action of the Collector in proceeding to recover the penalty from Mr^{s} Lee, against which action the latter complains (vide para 42 of note) is in conformity with paras 21, 27, and 29 of this note. The order in para 29 was communicated to Mr^{s} Lee & the Collector, in Serial (Immd^{t} President). Nº 8. The Collector, in Serial Nº 7 stated that he would be guided (Immd^{t} Pres^{d}.)

ig the matter by the views of the Survey Comm[r]s contained in para 18 of this note. Its Secial No. 8 was sent to Major Wallis with reference to S. No 7. he is quite justified in taking action under it.

47. Mr. Lee refers to some Proceedings of the late Chief Comm[r] of Mysore Cancelling the penalty for building on lands within ~~in~~ towns. (vide para 41 of this note). If the lands referred to by Mr. Lee are arable lands office is not aware of the existence of any such Proceedings. It will be seen from the marginal note on papara 18 of this note that a file of Correspondence bearing on the subject was obtained from the Dewan's or Chief Comm[r]s office, for reference that office did not put up any proceedings of the kind referred to by Mr. Lee. ~~Wallis~~. It will be further seen from para 18. of this note that no orders were passed on the Survey Comm[r]s letter (K. W. 6A). The only Proceedings the office

(Continuation of Note or Precis.)

is aware of, is the one referred to in para 16 of this note. But it is doubtful whether this proceedings can hold good. in the face of the views contained in para 18 of this note.

48. With reference to the observations (by Mr Lee) contained in para 44 of this note, it is submitted that the land on which Mr Lee has built the houses, was not demarcated by the Survey Deptt. as a building site. It was demarcated as an arable land, or else no penalty would have been demanded from him.

49. From the foregoing it is clear, that Mr Lee is liable to the penalty and has been successfully evading payment from the beginning. The action of the Collector in adopting measures for the recovery of the penalty is quite justifiable. Under these circumstances it is doubtful whether the Collector may be asked to stay further proceedings in the matter for the reason given by Mr Lee, viz. the submission of a Memorial to the Viceroy. submitted.

Subramania. 21/8/06

(*Continuation of Note or Precis.*)

57 A draft accordingly is submitted for approval.
Subramanya
11/8/86.

57 Draft issued dated 12 August 1886.
To Mr Standish Lee, No 2282 & 2283
the Collector, Ck & Stan 4945 4945.

B.R.

5. Letter from Mr S. Lee dated 28th August 86. S. No 13.

In this letter, Mr Lee with reference to the portion marked A in para 50 this note, submits for consideration the following reasons.

5 That the land in question (survey no 3), which was formerly 5 different plots of ground, treated as 5 nos, was demarcated as one number

(Continuation of Note or Precis.)

without his consent.

54 That the Collector has declined to sub divide the land in question into its present holdings (which are owned by 4 different persons) as is done in the Mysore State & in the C.D.M.S.

Encls A to S.No 13

55 That the whole of the land in question had not been utilized as a building site; and that it is owned by himself Chalvaraya Naidu, Veerabadra Chetty and the Municipal Commrs. That a public Road runs through it.

Encl 2nd plan to S. No 13

56 That as a portion of the land has been utilized as a building site he is ready to pay the penalty on the same under protest, pending his appeal to the Viceroy.

57 That the claim for penalty has been relinquished for the past 13 years.

58 Mr. Lee repeats the statements in para 42 of this note and states that the penalty clause has been omitted in the revised Land Revenue Regulations of the Mysore State (which has not been received in this office for submission to the Govt of India for approval).

S. Regn. Mn.

* Put these up.

59 With reference to para 53 of the note it is submitted that the Survey authorities may not have consulted Mr. Lee some 15 years ago when they demarcated the lands as the responsibility of allotting them

into proper portions was left in their hands.

As to para 54. it is submitted that the land on which Mr. Lee has built houses measures 4 acres and 39 goontahs and the assessment on the same is Rs 7-12-0. It is doubtful if this small plot can be sub-divided as the minimum area of a dry land (plot) is 6 acres in extent (Please see paras 2, 3 and 4 of the Dewani Pro. No. 4461-9-123 dated 29th August 1881, in page 87 & 8 of the Dewani Proceedings for August 1881 put up below). Further if the plot is sub divided, as Mr. Lee has made over portions of it to other persons, then difficulty will arise as to the recovery of the Annual Kandayem on the land. The parties who may have purchased portions of the land from Mr. Lee may refuse to pay the assessment. In as much as Mr. Lee is the holder of the land, and the others are sub-tenants, he is responsible for the assessment & the penalty on the land. Mr. Lee contends that as he has converted only a portion of the land into a building site, the penalty should be

9 8 goontahs were taken up for Public road & the assessment was reduced by 4 a per annum. 13/9. 86 C.R.S.

on it only. But the land it is submitted levies a penalty on all land converted into building sites (irrespective of the consideration, what portion of it has been utilized as such) in as much as they are rendered unfit for cultivation.

61. With reference to para 57 of the Hon'ble Member's minute it is submitted that the claim was not relinquished during the past 13 years. (vide latter portion of para 45 of the note).

62. As regards the first two lines of para 58 please see para 500 of this note.

63. It has been ascertained that the sale of the land is being held today.

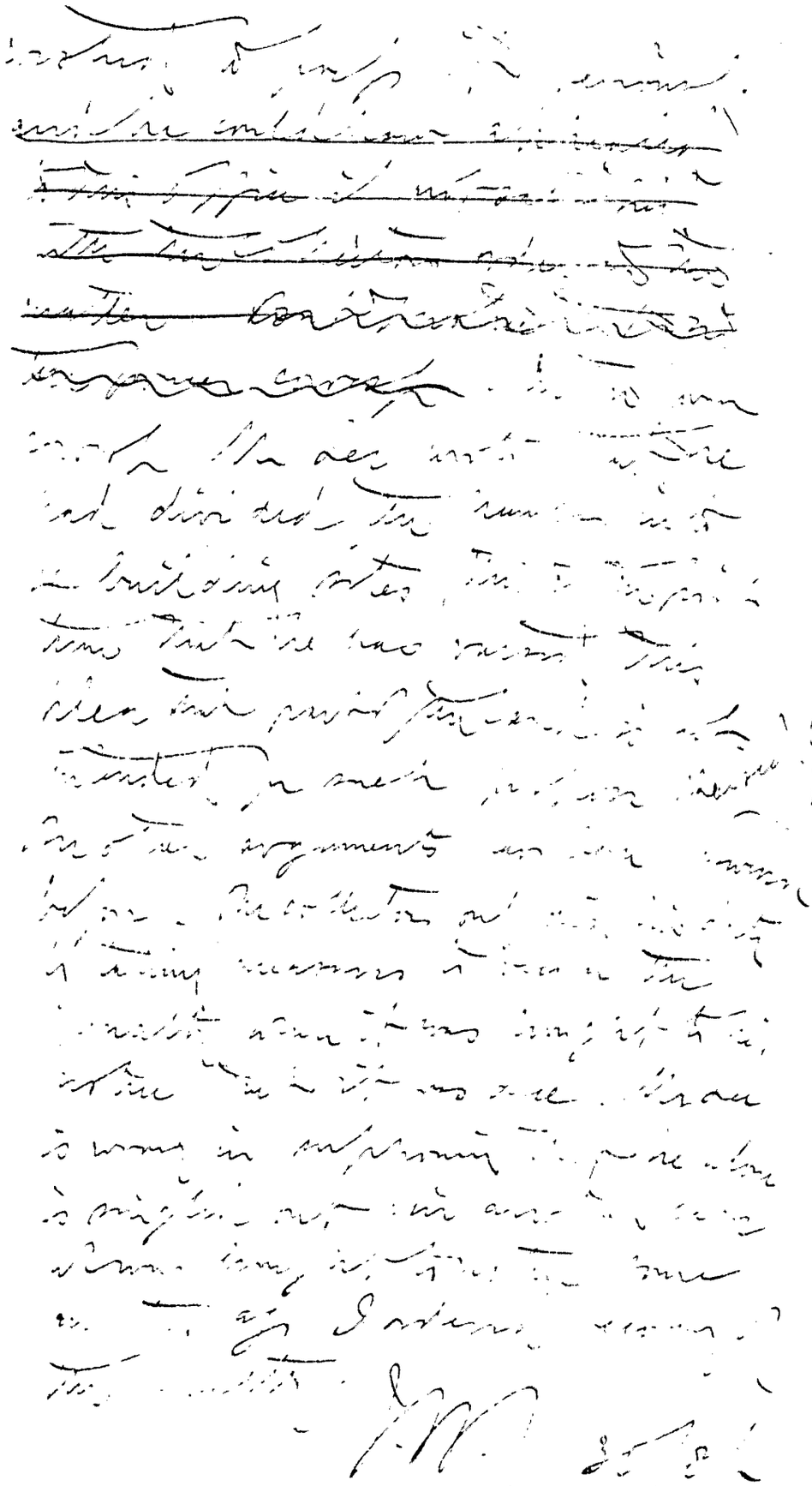
64. Submitted
Subramanya
30/8/18.

Mr. Luis letter Nos. dated 28th was only received by post this day.

Resident
Sal
30/8

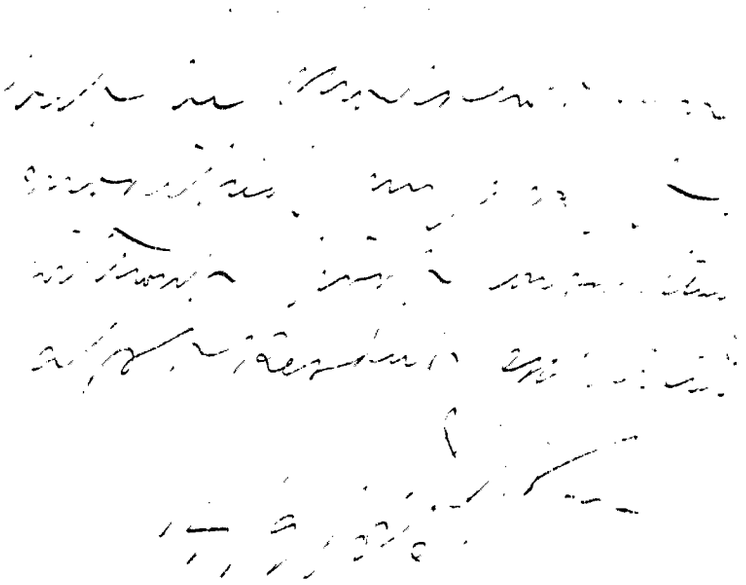
65. [illegible]

66. [illegible]



67

(*Continuation of Note or Precis.*)



9. Draft in the Sense of paras 65 and 66 to Mrs Lee issued No. 2432-4945 S. No. 14. dated 30th August 1886.

24 Mud 1048 Bangalore.
10th September 1885
Forwarded 22nd —

To

The Assistant to the Resident
in Mysore.

Sir

I have the honor to request that you will do me the favor to bring the following circumstances Connected with the refusal of the Municipality to issue Grants for lands held by me to the notice of the British Resident with the View of my grievances being Remedied

I have owned since 1866 a plot of Cundayam land in Bangalore and have regularly paid Cundayam (quit rent) for it:- Vide Pattas (Exhibit A) - In 1871, I applied to the Municipal President to substitute the Revenue Pattas

Received 28/9/85

Grant in Consideration of the land being within Municipal limits, and in reply was told Grants are issuable only for lands previously Cultivated and paying the Municipal revenue to Government, when newly taken up for building purposes, Vide Docket 110 (Exhibit B).

2. I then divided my land into building sites and under Regulation 148 of Municipal Act 5/71 applied for and obtained permission of the President to build two houses; Vide docket No 213. (Exhibit C) having now Complied with the Conditions stated in President's docket No 110(B) I again applied for Grants (Vide Exhibits D) and was informed for the first time by docket No

399

399 (Exhibit C) that I should
in the first instance obtain permission
from the Deputy Commissioner to
appropriate the land in question
for building purposes" On November
1873 a notice (Exhibit J) was
served on me demanding a fine
of 30 years' assessment. On the
circumstances as detailed above,
that led to my building houses
being explained to the Revenue
Authorities the matter of levying
the penalty was dropped.

3 On the 13th July, 1876, I
again represented the hardship
of my case to the Municipal
President and applied for Grant
when I was asked to submit
documents for proving my
title, Vide docket No 621
(Exhibit L) The

there seems to have entered into correspondence with the Deputy Commissioner and that Officer in his No 544 of 21st June 1879 (Exhibit H.) decided that "I am not absolved from the Payment Office"

4. The matter was again & again urged by me in Successive years on the President until that Officer in his docket No 1717 dated 4th February 1885 (Exhibit J) refused to re-open the Subject.

I therefore now beg to appeal to the Chief Authority for redress

5. I beg respectfully to base my claim to grants on the following grounds:-

(a) I was told that grants

Could not be issued until the
house had been built on. (Exhibit
B)

(b) The building Complained
with Municipal Regulations & not
received permission from the
Constituted Authority (Exhibit C)

(b) The demand of a fire
from Deputy Commissioner was
not made until the houses had
well advanced towards Completion
(Vide Exhibit J) by which it will
be observed that preparations
to build were reported by Shamboga
ie Talcherry, and Hodeè Nmae
issued in (October)

(d) If any error has been
made, it was by the Municipality
who evidently Encouraged the

of the Lessee

(e) The Municipal Law is defective, in not prescribing due procedure in reference to permission having to be obtained from Deputy Commissioner. In addition to the above, I also beg to urge that I have a right to Grants or Sanads under the Law as it stands.

6. The Deputy Commissioner bases his demand for a fine on Section XXXV of Bombay Act I of 1865, but loses sight of Section IV of Bombay Act IV of 1868*, which, in declaring the former Act (enacted for Rural Districts) applicable

to Lands and Tithes, Conferring
the Existing Rights of occupancy
of all Lands in Lands & Tithes
so far as the interest of Govern-
ment is Concerned" - Land so
held by me on Similar title to
the Plot forming the Subject of
Complaint, were Commenced under
Similar Circumstances into
Building Sites previous to the
Extension of the Boundary Survey
and Settlement Act to Allyghur
and Grants were issued for
them without demur, Vide Docket
(Exhibit K) Any right thereof
in the use of this Land Cannot
be altered, nor can any new right
on behalf of the Government
created by the Ordinance

Bombay Act, which is Expressly provided that no Charge is to be made so far as the interest of Government is Concerned.

7. By Section X of the said last above cited, it is "the duty of the Collector, after inquiries & Sifting, under his hand & Seal, to each owner or occupant in any Town or City to which this Act shall be made applicable, on application, a Statement or Statements specifying, by plain description, the limits & tenure such persons' holding". Therefore I respectfully beg to Submit that I have been contrary to all law, kept out of what is by law entitled me to, for a period of 4 years, thus Subjecting me to much trouble, & my property to depreciation

Praying for early favorable

Dz. do 1/1919
30.9.85.

Bombay Act № IV of 1868.

\+ \+ \+

Section IV.

Titles in Towns and Cities Confirmed.

The existing right of occupancy of all lands in Towns and Cities is hereby confirmed so far as the interest of Government is concerned, only excepting the case of encroachments, as provided for in Section VIII of this Act.

× × ×

Bombay Act I of 1865

make use this section of
Also see S.N. 155

Section 35

Rights in virtue of occupancy of Government land. Appropriation of lands to purposes unconnected with agriculture.

It is hereby declared that an occupant of any Government land is entitled, in virtue of his occupancy, to erect farm buildings, construct wells or tanks, or make any other improvements thereon for the better cultivation of the land. But if an occupant wishes to appropriate the land in his occupancy to any purpose unconnected with agriculture, so as to destroy or injure it for cultivation, he shall first obtain the Collector's permission, which shall be given on payment of a fine fixed according to such rules as may from time to time be ~~fixed~~ prescribed under the orders of the Governor in Council, and on entering into a written agreement to pay, in addition to such fine, the annual assessment which may have been fixed on such land, at the settlement then current, and which shall remain liable to revision at any future settlement of the District

Resident's Office.

[DRAFT.]—For approval.

No. 1788/87. Enc: 11

the 24th Septr 1885.

To The President
Mun.l Com.rs C. Mn. Station
Bangalore

Sir,

I am directed to forward in original the accompanying letter No. dated the 10th Septr 1885 from Mr. Standish Lee, and its Enclosures, (to be returned) ~~on the subject~~ regarding the alleged ~~the~~ refusal by the Municipality (the Cons. Station) to issue grants for Arrack Outstills to be held by him within Municipal limits, and to request that you will be so good as to favour the Offg. Resident with a full report on the case.

Mans & 2879/83.
28/9/85.
Agent Resident

SUBJECT.

Proceedings, No.

85

General Serial No. 35.

OFFICE OF THE RESIDENT IN MYSORE,

Bangalore, 25th November 1885.

No. 2402/494.

To

The President, Mul Cor
Cantt. Station.

Sir,

*Subject.

Mr. Standish Lee's Com:
plaint against the
Municipality for
refusing to issue
grants to him

I am directed to invite attention to the margin
the communication ~~*marginally~~ noted, and
the former
to request an early reply thereto.

No. 1788/87 dated 29th September

~~*Subsequent Reminder No. —— dated ——~~

I have the honor to be

Sir,

Your most obedient Servant,

Assistant to the Resident.

24.11.85

Mysore Government Press, Bangalore.—13-10-81.—240.

No. 1560.

2 DEC 85
Mysore 214
RESIDENT IN MYSORE

OFFICE OF THE MUNICIPAL COMMISSION,
CIVIL AND MILITARY STATION,
Bangalore, December 1885.

From

THE PRESIDENT,
MUNICIPAL COMMISION,
CIVIL AND MILITARY STATION,
BANGALORE.

P.P
9.12
2.12.85

To

THE ASSISTANT TO THE RESIDENT IN MYSORE,
BANGALORE.

SIR.

I have the honor to acknowledge the receipt of your letter No. 1768/87 dated 29th September 1885 forwarding a letter from Mrs Standish Lee regarding certain houses which he has built on Government Cundoyan lands for report.

I regret the delay in answering the reference, but it was chiefly owing to the difficulty in tracing papers on the subject in the records of various offices and latterly to my having other reports to submit.

Mr Lee's petition is very lengthy and

and argumentative, but the case is in reality a very simple one and the enclosed letter from the Deputy Commissioner of the District explains it in full.

Mr Standish Lee chose to build houses on lands leased to him for cultivation and as the Deputy Commissioner says, under the Survey Rules, he must pay the fine of 36 years assessment. This he has successfully evaded doing for many yrs

Mr Lee's talk about having got leave from the Municipal President to build is altogether beside the question, and he knows that well enough.

The sanction of the Municipality has to be obtained merely on Sanitary grounds (Sec: 147 - Municipal Regulations of 1883) to ensure that houses are so built that they can be efficiently

drained &c., and to seriously argue that the Sanction of the President to erect a building gives the applicant any better title in the land than he otherwise has, is ridiculous and Mrs Lee would be the first to scoff at the idea if it was sought to prove it against him.

From Exhibit C, he files, he appears to have obtained permission on the 25th April 1873 from the Municipality to build. He then applied for a Municipal Grant for his houses, and then Dr Orr, the President, finding he was building on Government land without permission referred him, on the 6th May 1873 (Exhibit E) to the Deputy Commissioner for leave to divert the land from its legitimate purpose.

Mrs

Thus there was only 8 days time between his getting leave from the Municipality and being told by the same authority that he must go to the Deputy Commissioner, So that he could hardly have been prejudiced under any circumstances, but as I said before he (Mr Lee) knew very well that the Municipal President had nothing to do with the lands in question, or what were done with them, Especially at that time, as Mr Ott was the President of the Board and he was purely and simply a Municipal official and had nothing to do with Government work

I append a Copy of letter No: 544 dated 21 June 1879 from the Deputy Commissioner of the Bangalore District requiring Mr Lee to pay the fine.

It seems to me that this letter

disposes of the matter as it was passed by the proper officer and so far as I know Mrs Lee has never appealed against it in all these years, or if he did, his appeal was unsuccessful as of course, if the order had been reversed he would have made it known.

In conclusion I will refer briefly to the points noted in para 5 of Mrs Lee's letter.

(5. a.) has been already referred to and so has 5. b. and here I may say the Deputy Commissioner was the proper authority to give the required permission. Not the Municipal President.

(5. c.) I cannot account for the delay except that it was a Revenue Matter and such

are disposed of as usual at the Jammabandi which takes place in November or December, but the delay in any case can hardly be held to impune Mr Lee's title.

Para 4. a. This is simply untrue as I have already Explained.

Para C. Is purely argumentative and beside the question.

Finally I would give my opinion that Mr Lee is bound to pay the 30 years fine for these lands (as the order of the Deputy Commissioner stands good till reversed by proper authority) and that unless that order is now reversed by the Resident, I propose to take such steps as the Revenue Rules

allow for the collection during the
current years Jummabundi. of
the fasle
I will return the enclosures of
your letter.

I have the honor to be

Sir.

Your most obedient Servant

Illegible

President Inlcommr

Cantts Bangalore.

1885.

From

The President

Municipal Comm-

Civil and Military Station,

Bangalore.

To

The Assistant to the Resident in Mysore,

Bangalore.

Dated }
Despatched } 1st December 1885.
Received }

Enclosure No. 12.

General No 1560.

No.

Reports on Mr. Standish's application for Grants.

OFFICE OF THE
G. No. 1104
16 DEC
RESIDENT IN MYS

No. 1635.

G. No. 1104
16.12.85

OFFICE OF THE MUNICIPAL COMMISSION,
CIVIL AND MILITARY STATION,
Bangalore 12 December 1885.

From

THE PRESIDENT,
MUNICIPAL COMMISION,
CIVIL AND MILITARY STATION,
BANGALORE.

To

THE ASSISTANT TO THE RESIDENT IN MYSORE,
BANGALORE.

SIR.

In continuation of my letter No. 1560 dated 1st instant I have the honor to forward for information the enclosed file of correspondence received from the Deputy Commissioner, Bangalore District on the subject of the levy of a penalty of 30 times the assessment on agricultural lands converted into building sites as it bears on Mr. Standish Lee's case.

From this record, it would appear to be the intention to forego either the 30 years fine once levied for building on Kundagan lands, or else if

if it is levied to forego the annual
Sundoram, both of which used to be
levied under the Survey Rules.

This order was passed in 1880, and
as I was then Small cause Court judge
and had nothing further to do with
Revenue matters, I was till now in
ignorance of the Existence of this order.

I have the honor to be
Sir,
Your most obed't Servant
[illegible]
Presidency Commrs
Court Bangalore.

1885.

From

The President

Municipal Commission,

Civil and Military Station,

Bangalore.

To

The Assistant to the Resident in Mysore,

Bangalore.

Dated / *Despatched* / *Received* } 12 December 1885.

Enclosure No 1 file containing papers

General No 1635.

No.

Forwards a file of correspondence relating to the Exemption of hereditary for Converting agricultural lands into building sites

No. 1057

Office of the Resident

Bangalore. 1st December 1885.

From

The Secretary to the Dewan of Mysore.

To

The Assistant to the Resident in Mysore.

Sir,

I have the honor by direction of the Dewan to forward herewith, the communication marginally denated, for transmission to the President, Civil & Military Station, Bangalore.

I have the honor to be,
Sir,
Your most obedient Servant,

Offg: Under Secretary.

From Dy: Commr, Bangalore Distt
No. 1466 dated 24th November 1885,
To The President,
Civil & Military Station,
Bangalore.

No 206.

Forwarded.

P. H. Revell
Assistant R.

GB 3/12

F. 17. 85.

Dy No 2531

F. 12 85

I was not a Revenue official when this order was passed & knew nothing about it

Excise

F. 12. 85

President Imp. Council

Sir Lewis Cup Capel

Through the Secretary to Govt
of Mysore

General Serial No. 28.

1885

From The Dy Commissr
Mangalore Dist.

To The President
& Mr Station
Mangalore

Dated 24th November 85

Despatched

Received

General No. C ... } 1385
Sc No. 1466

Enclosures—Number. 1 table.

Mr. No. 1420 of 14th August forwarding memo. of Sub Correspondence relating to the compensation payable by the Railway Co. on account of Survey No. 3, Hyderabad Section Salkya.

Dy 25/11

2nd

In returning the enclosures of the above, I have the honor to state that, according to the late Chief Commissioner's Proceedings No: 9523 of 27th November 1880, Mr. Lee is entitled to purchase the land at 30 years' fine.

2. Copy of the Proceedings alluded to is herewith forwarded for reference.

A Mackenzie

Asst Commissioner

Mr. Lee

Proceedings of the Chief Commissioner of Mysore

Revenue Department.

Read.

Letter from the Dy Commissioner of the Bangalore District No. 481 of the 10th November 1880, on the subject of the appropriation by Hassim Sahib for building purposes of Survey No. 17 attached to the Lampigehally village in the Bangalore Taluq.

Order thereon No. 4952-3 / R 875 dated Bangalore 29th November 1880.

As permission for the building of the Bungalow referred to was accorded by the Municipal President, the Chief Commissioner is pleased to sanction the remission of the penalty charged in this case. The land occupied by the building should continue to pay Kandayem, and the Deputy Commissioner should recover any arrears of Kandayem due in the manner already pointed out.

2. The existing rule which provides for the levy of a penalty of 30 times

the

ne assessment, as well as the annual assessment on lands taken up for buildings, seems unnecessarily harsh. The Survey Commissioner will be asked whether the levy of 30 times the assessment, as penalty, might not be considered as an equivalent for the Kandayam, and the Kandayam thenceforward remitted on the land, in consideration of the payment of the penalty.

(Sd) C. Rangacharlu
Revenue Secretary

(Copy)

C.R. Manuttu
Deputy Commissioner

2/253/1
7.12.85

Rao

Wdh.

[illegible]

Authorities in this Account —

Form No. 6.

1873

From

The President

Cauvery Munl. Commission,

Bangalore.

To The Secretary to Government of Mysore

Dated
Despatched } 28th August 1873
Received

Enclosure No. 9.

General No. 1456 } 187
No.

Copy of Circular Letter No 487 of the 26th August 1873 requesting to be informed whether Mr Lee has received from the President the land on the ground

Caxton Press.

granted at Yellagoondem for Sale, and whether it belongs to the Municipal Commission.

Referring to the above, the undersigned informs the Guildar, that the ground referred to in the above application has not been sold by the Municipal Commission to Mr. Lee, but it would appear that Mr. Lee holds the ground from the Revenue Authorities on Emphyteusis tenure, and has obtained the permission of the Municipal Council to build thereon, which does not interfere with the Rules in force for the levy of Emphyteusis for certain number of years on the ground held for cultivation purposes but recently diverted for building purposes, and Mr Lee is no doubt liable to pay the Amount that may be imposed by the Revenue Authorities

29-10-13

1191

1191

120

3489
381

M. Krishnakar

Yours sincerely

1ನೇ ನಂಬರ್ ನಮೂ

ತಗಾದೇ ನೋಟಿಸ್

ತಾಲ್ಲೂಕು ಹೋಬಳ

ತಗಾದೇ ನೋಟೀಸ.

187 ನೇ ಇಸವೀ ತಿಂಗಳು ನೇ ತಾರೀಖಿಗೆ ಪ್ರೊಕ್ಲೈಸಿದ 187 ನೇ ಇಸವೀ

ಳ ಖಿಸ್ತಿಗೆ ನೇ ನಂಬರ್ ಪಟ್ಟೇದಾರನಾದ ನಿನ್ನ ರೂಪಾಯಿಗಳು ಬರಬೇಕಾಗಿರು

ರಿಂದ ತಾಲ್ಲೂಕು ಅಮಲ್ದಾರ್ರು ನಿನಗೆ ತ ದೇ ಮಾಡುತ್ತಾರೆ, ಮತ್ತು ಈ ನೋಟೀಸ

ರೀ ಆದ ತಾರೀಖು ಲಗಾಯತು 15 ದಿನಗಳ ಒಳಗಾಗಿ ಸದ ಈ ಮೊಬಲಗನ್ನು ನೀನು ಪಾವತೀ ಮಾ
ಡಬೇಕು.

ಮೇಲೆ ನಮೂದಾದ ವಾಯಿದೇ ಒಳಗೆ ಚಕ್ಕಿ ಮಾಡ್ಲಿರುವ ಬಾಕೀಯನ್ನು ಸಂದಾಯ ಮಾಡದಿದ್ದರೆ ಅಥವಾ ಸಂದಾಯ ಮಾಡದೇ ಯಿರುವದಕ್ಕೆ ಸಾಕಾದ ಕಾರಣಗಳನ್ನು ತೋರಿಸದಿದ್ದರೆ ಬಾಕೀಗೆ ಸಾಕಾದಷ್ಟು ನಿನ್ನ ಚರ ಯಾ ಸ್ಥಿರಸ್ವತ್ತು ಮತ್ತಾವದೊಂದು ನೋಟೀಸನ್ನೂ ಕೊಡದೇಲೆ ಜಪ್ತೀ ಮತ್ತು ಹರಾಜ್ ಮಾಡಲ್ಪಡುವದು.

ಜವಾನನ ಭತ್ಯದ ಬಗ್ಗೆ ಆಜ್ಞೆಗಳನ್ನು ನೀನು ಈಗ ಕೊಡಬೇಕು.

ಅಮಲ್ದಾರ್.

ತಿಳುವಳಿಕೆ. — ಈ ನೋಟೀಸ ಜಾರೀಬಗ್ಗೆ ನೇಮಕವಾಗಿ ಎವ ಮನುಷ್ಯನು ಸರಕಾರ್ ಬಾಕೀ ಕ ಡುವದಕ್ಕೆ ತಪ್ಪಿದಮನುಷ್ಯನಿಗೆ ಅಥವಾ ಅವನ ವಾಸಿಕೆಯಾದ ವಾಸ ಸ್ಥಳದಲ್ಲಿ ಅವನ ಕುಟುಂಬಕ್ಕೆ ಶೇರಿದ ಪ ಬುದ್ಧನಾದ ಒಬ್ಬ ಗಂಡಸಿಗೆ ಅಥವಾ ಅಧಿಕಾರ ಕೊಡಲ್ಪಟ್ಟ ಅವನ ಮುತಾಲೀಕನಿಗೆ ಈ ನೋಟಿಸ್ ನಕಲನ್ನು ಒಪ್ಪಿಸತಕ್ಕದ್ದು, ಅಥವಾ ತತ್ಕಾಲದಲ್ಲಿ ತಿಳಿಯಬಂದ ಅವನ ವಾಸಸ್ಥ ದ ಪ್ರಸಿದ್ಧವಾದ ಸ್ಥಳದಲ್ಲಿ ಅಥವಾ ಜಪ್ತೀ ಯಾಗತಕ್ಕ ಜವಿುನಿನ ಬಳೀ ಪ್ರಕಟವಾದ ಸ್ಥಳದೊಳಗೆ ನೋಟೀ ನಕಲನ್ನು ಚಿಕಟಾಯಿಸತಕ್ಕದ್ದು. ಯಾವ ರೀತಿಯಾಗಿ ನೋಟೀಸ ಜಾರೀಯಾಗುತ್ತೋ ಅದನ್ನು ನೋಟೀಸ ಜಾರೀ ಮಾಡತಕ್ಕ ಮನುಷ್ಯನು ನೋಟೀ ಮೇಲೆ ಪರಾ ಬರೆದುಕೊಳ್ಳತಕ್ಕದ್ದು.

Melissa Sue
Mitchell of
any part of
as all my land
are kept locked
from Trespassers
Dates

29/1/79

Mr Clerke
Please keep with
with file
2.15
W/12.15

Dear Newell

I am sending you an order passed in 1880 by the Ct. Com? regarding building erected on Kanakayeu Lands.
Had given up Reserve work on them & coin purely a Judicial offic so did not know of it. It puts a completely different complexion on Mr. Lee's case so

RESIDENT'S OFFICE.

[DRAFT.]—For approval.

No. 137/494 Encl 1

( )

Bangalore, the 20th January 1886.

To

The President, Municipal Commrs, C & M. Stations.
Bangalore.

Sir,

I am directed to acknowledge the receipt your letter No. 1635 dated 12th Ult. forwarding a file of correspondence received from the Dep. Commissioner, Bangalore District, regarding the levy of a penalty of ~~thirty~~ times the assessment on agricultural lands converted into building sites.

2. In reply I am to forward ~~for your information~~ a copy of letter No. 1023 d. 21st Dec. 1880 from the Survey & Settlement Commissioner to the Revenue Secretary to the Govt.

No 5 of File

Office -
Copy of the letter regd to be made and placed in this file.
Copy made & attached.

SUBJECT.

Proceeding, No.

I hope on the same subject,
and to ask if you would
like to modify your former
opinion on Mr. Lee's case. contained in your letter
I have &c. under reply.

Asstt. to the Resident

W. R. Lamb
12th Jan. 86 N.

No. 1023 of 1880.

From,

Colonel W. C. Anderson.
Survey & Settlt. Commissioner
of Mysore.

To,

The Revenue Secretary
to the Chief Commissioner of Mysore.
Survey Commissioner's Office
Poona 21st December 1880.

Sir,

With reference to Chief Commissioner's No: 4952/875 of the 29th Ultimo Para 2, I beg to State that the Kandayem refers solely to the tax on the land when used for agricultural purposes, and in no way represents the taxable value of the land as building land in the vicinity of a place like Bangalore.

The rules regarding the fines to be imposed on building Sites published in the Mysore Gazette of the 26th November 1870. Page 181, were adopted deliberately and have no doubt taken effect in numerous cases. It would therefore appear inexpedient to now change them.

Your Obedient Servant
Signed W. C. Anderson
Survey & Settlt. Commissioner

Office Copy.

H. Clutre
Registrar

No. 1826. G. 224

2 JAN 83

OFFICE OF THE MUNICIPAL COMMISSION,
CIVIL AND MILITARY STATION,
Bangalore 20 January 1886.

From

THE PRESIDENT,
MUNICIPAL COMMISION,
CIVIL AND MILITARY STATION,
BANGALORE.

R. 21.1.86

To

THE ASSISTANT TO THE RESIDENT IN MYSORE,
BANGALORE.

SIR.

R. No 6

Referring to your letter No. 137/494 dated 20 Instant forwarding Copy of Letter No 1023 dated 21 December 1860 from the Survey and Settlement Commissioner relating to the payment of 30 times the assessment on Agricultural Lands Converted into building Sites, and Enquiring if I would like to modify the opinion

J. No 5. Expressed in my letter No 1635 dated 12 Ultimo, I have the honor

to

to inform that I would be guided by the Survey Commissioner's opinion on this Subject.

I have the honor to be

Sir

Your most obed.t Servant

Illegible

President & Municipal Comm.rs

Cantt. Bangalore.

RESIDENT'S OFFICE.

( )

Dated, 2nd March 1886.

Serial No.

[DRAFT.]—For approval.

No. 460/4945

To.

S. Sandilands Esq.

Bangalore.

Sir,

Serial No. 1.

I am directed to acknowledge the receipt of your letter No. 8 of 10th Sep. 1885 bringing to the notice of the Resident the action of the Municipality of the C. & M. Station in refusing to issue grants for houses built ~~by you~~ to you on plots of land leased for cultivation.

2. I am to state that the Hon'ble Resident has carefully considered your letter and is of opinion that you are liable to the penalty of 30 years' assessment on the land in question, in conformity with the Revenue Survey Rules in force.

I am &c.

J. D. Rees

Asst. Resident.

No. 461/4945

Copy forwarded to the Presidency Municipal Commissioner for information with reference to his letter No. 1826 of 20. Inst.

~~Copy~~

J. D. Rees

OFFICE OF THE
G. 1763
24 MAY 86
RESIDENT IN MYSORE

No. 235/4

Jnr 25

Jnne 22/5/86.

To

The Asst. to the Resident

Sir,

I have the hon request,
in reference to yr No $\frac{460}{4945}$ of 2nd
Serial 108 March 1886, communicating the
decision of the Resident on my letter
Serial 109 dated 10th Sept 1885, in re, the demand
of a penalty of 30 years assessment
for building on cultivable land, that
yr will be pleased to order the
return to me of the enclosures to my
letter

I have the hon to be
Sir
Yr most Obt Servt.

[signature]

RESIDENT'S OFFICE.

Serial No.

[DRAFT.]—For approval.

No. 1511/4945 Encs. 20

Dated, 27th May 1886.

To

Claudish Lee Esq^r
Mysore.

Sir,

With reference to your letter dated 22nd May 1886, I am directed to return the enclosures of your letter dated 10th September 1885.

I have &c.

Serial No 9

Serial No 1

Ch Subramanyam
26/5/86

Sent to the Head L^r
A.

11

2457 Mysore. 19th July 1880

C-O

The Asst: to the Resident
in Mysore

Sir.

1. I have the honor to request that you will kindly do me the favor to place the following before the Resident for early orders.

2. In April 1873 I built 2 houses on some land owned by me within Munk. limits after duly receiving the permission of the Munk. President (vide enclosure C to my letter of 10th Sep:

3. In October 1873, the Dy: Comr. of Bangalore Dist. called on me to pay a penalty of 30 years' cunidayam for having built on cultivable land.

4. I then showed cause why the penalty should not be levied: and under ruling of the Chief Comr. of Mysore, on similar representations from other parties within the Munk.

limits of Bangalore or for other reasons the demand was dropped, and the annual pundayam collected from me as usual from 1873 to 1886, but thumb Grants for the Houses were refused unless the penalty was paid.

5. In Sept. 1886, under date the 10th, I made a respectful representation to the Resident of the hardship imposed on me by the refusal of Grants, & begged for orders to issue, directing Grants to be given without any penalty, as had been done in in the case of other Houses similarly built by me. S. No 1.

6. The decision of the Resident, to the effect that I am liable to the penalty under the Revn. Survey Rules in force, was communicated to me by your No. 460/4945 of the 2nd March 1886. No 8

7. The Collector construed the above decision as an order from the Resident to recover the penalty, and accordingly served me with a Notice

on the 23rd June 1886. In reply I have
asked for time to prepare & submit
a memorial to the Governor General,
and the delay in doing this is owing
to the non receipt of the Pro: of the
Chief Commr. of Mysore, cancelling
the penalty for building on lands
within towns; but the Collector
has intimated by C№. 381/81 dated 14th July
and received this day, that he will
proceed to sell my property on the
23rd inst, if the demand be not met

S. I beg respectfully to submit
that the Collector is wrong in con-
S. 208 struing the Resident's reply to my
application, as an Order for recovering
the penalty, because,-

(a) There was no demand against me
when I made my representation,
nor is there any entry in the Rev:
Accts: as transferred from the Cly or
Govt:, of any penalty being due by
me.

(b) That scores of parties, who have
built houses on cultivable land, like

myself, but who have made no appeal, are not similarly dealt with, and

(c) That no demand, even in my case, would have been made but for my appeal to the Resident.

9. Under these circumstances, I beg to request that the Collector may be asked to allow matters to stand as they were previous to my appeal to the Resident, until such time as the orders of the Gov^r^ General are received on my appeal, which I shall submit within 3 weeks from this date.

10. In connection with this matter, if I am permitted, I would respectfully observe, that it appears, on the face of it, an anomaly to demarkate certain limits for a town, that is, for building on: to pass a special law that no one is to build within those limits without permission of the Municipality: to discourage, on sanitary grounds, cultivation within such area, by prohibiting the use of manure &c; and when due permission under such Municipal law

is obtained, and the land applied to its legitimate use, that is, as building sites, to apply the provisions of the Revenue Survey rules, — which rules have been drawn up for rural districts, and are calculated to operate in the opposite direction of what should be the aim of Municipal authorities. The rules impose a prohibitive penalty for building on arable land, to compensate for loss of revenue to Govt., while each additional house in a town being an additional income to the Municipality, by assessment over and above the quantum of the land on which it is built.

I have the honor to be

Sir

Your most obedient servant

18

Residents
~~COORG CHIEF COMMISSIONER'S~~ OFFICE.

Serial No.

[DRAFT.]—For approval.

No. 2282/4945

Dated, 12th August 1886.

To

S. Sandiah Lee Esq

Sir.

S. No 11.

With reference to your letter dated 19th July 1886, I am directed to state that though the decision of the late offg: Resident Conveyed to you in letter No. 460-4945, dated 2nd March 1886, was not in itself an order to the Collector of the Ctm of Bangalore, to realize the penalty due by you to Govt for having built-houses on Arable land, yet the action of the Collector in adopting measures suo motu, to recover the penalty from you, supposing it to be due, is quite justifiable. In the letter under reply, you request that the Collector may be asked to suspend further proceedings in the matter pending the decision of the Govt of India, on your appeal against the order passed by Mr. Gordon Stone. But in Mr. Lyall's opinion a request like this, ought not to be granted without good reason, and he is therefore unwilling to accede

to it in as much as the penalty
is rightly payable by you under
the Survey Rules Slip m.

2 I am at the same time to
point out that the fact of some
other people having escaped
payment of the penalty in
certain cases, adduced by you,
is no argument in favor of
the remission of the penalty
in the present case. Other people
have been subjected to the
penalty, and the Survey Rules Slip m.
under which it is imposed
is a general one, based on
Bombay Act I of 1865, an act
of wide application.

3 Government, I am to observe
does not let out fields for cultivation
by selling them by auction: it
grants them on Pattah, at a
rent fixed with reference to
established Agricultural
profits. When such a land is
convertible into a building site,
it is an indication that it is
not [illegible] merely suited for agricultural
purposes, but is from its situation
of a much higher value. It is
therefore not unfair Mr. Lyall
thinks, that a fine should be
paid into the public revenues
on account of the increased
profit which the holder of

Draft-

(Continuation of ~~Note or Precis~~.)

the land ~~Extracts~~ realizes, owing to the circumstances of the locality in which ~~it~~ the land is situated not having been considered at the time of the settlement.

There is ~~I~~ am to add, an order of the late Chief Commr of Mysore Cancelling the payment of the penalty for building on certain Kandayam land. In that order the late Chief Commr of Mysore remitted the penalty in an ~~Individual~~ exceptional Case, & afterwards Consulted the Survey Comr whether the continuous payment of ~~both~~ the Kandayam & penalty were ~~fair~~ generally in such cases. The Survey Comr gave reasons ~~not~~ only in support of the rule, under which both are levied, but also against the general remission of the penalty and ~~the matter dropped here~~.

Thanking &c.

Asst to the Resident

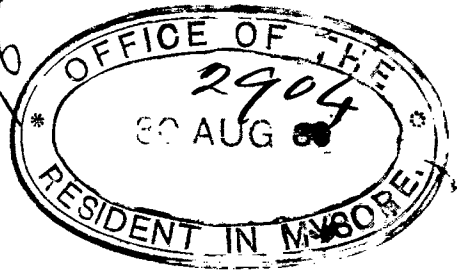
Copy forwarded to the Collector C & M. of Bangalore for information.

By order

Asst to the Resident

Subramanya
4/8/86.

Rec'd 30/6



Mysore 15th 28th August 88

To the Asst. to the Resident
in Mysore.

Sir,

S. No 12 I beg to tender my thanks for your letter No 2282/4945 of the 12th Augt. in which the Resident has been pleased to decide that my request to stay proceeding of the Collector "ought not to be granted without good reason." I respectfully to submit my reasons.

1st The plot of ground which now forms Survey No 3, formerly consisted of 5 Revenue numbers, & were all

surveyed as one without my knowledge & consent.

2nd. My request to subdivide this plot into its present holdings. (which are owned by 4 different parties) as is done daily in Mysore & also in the Cantonment, has been refused (enclosure A)

3rd The plot on which 30 years' Usufruct is demanded is not all built on.

4th This plot is owned by (1) Chelavaraja Mudr. (2) by me, (3) by Veerabadra Chetty, (4) by a Public Road, (5) by the Municipal Commrs. (vide Sketch enclosed)

5th Only 2 of the five divisions have been built on & according to the Municipal rules only a penalty on them is due, which I am prepared to pay, under protest.

protest, pending any appeal to the Governor Genl.

I therefore again beg to urge, that keeping in view that this claim has been relinquished for 13 years; that the Collector originated the present demand on a misreading of the late Resident's letter (enclosure B); that the Supreme Govt, in whose territory the land is, do not enforce this clause of the Bombay Act, tho' their revised Act have modified it; that there is no record of this sum as being due by me in the Revenue Accts transferred to the Collector of Bangalore; & that, finally, I am the only one who has been singled out because of my appeal to the Resident.

I pray for early orders as the Amildar

has issued a notice that the sale will take place on the 30th Inst.

I have the honor to be
Sir,
Your most Obed.t Servt.

Note. Inclosures by packet-post

Enclosure A 11

No 381/81

To

Standish Lee Esq.

Sir,

With reference to your letter of 10th July 1886 I have the honor to intimate that I regret being unable to comply with your request & sub-divide the Survey number referred to in your letter.

× × × ×

I have &c.

Sd/ C. P. Melthy

Collector

Bangalore
16th July 1886

True Copy

Standish

RESIDENT'S OFFICE

Serial No.

[DRAFT.]—For approval.

No. 2432
4945.

Dated, 30 Aug 188 6. *To*

Standish Lee Esq^re

S. No 13.

Sam directed to ack: the recn of your letter dated 28th. Aug (received today) and to inform you that it is now too late to countermand the sale which there are many reasons for doing so as not.

You now advance as a new reason for staying proceedings that you should get an order for subdivision of the plot of ground so as to allow you to pay the penalty on the part used as house-site and not on the whole. The point Mr Lyall thinks you

should have raised earlier if
it was desired to have it levied.
In former correspondence you
wrote that you had divided
the plot a
number into 4 building
lots and this is the first time
time that you have raised
the plea that part of the
land is not intended to be
built on. Raised to take
Mr. Lynch considers the plea
has an appearance of evasion
You can however of course
still appeal from the Collector
order reserving to subdivide
the land if you think you
have a right to demand
such subdivision under the
Revenue Laws.

~~I am to add that~~ The
the arguments put forward
in your letter under reply
have been answered before

I am to add however that
the Collector only did his duty
in taking measures to

Between the penalty when it was
brought to his notice that it was
due and that you are wrong
in asserting that you alone
were singled out for in another
case which was brought to notice
some months ago Mr Lynch
ordered recovery of the penalty

Yours truly

EAT

30/8

The Chief Commissioner's Notification No. 267 dated the 14th November 1870.

The following rules, prescribed under Section XXXV of the Survey Act Bombay Act I of 1865, which was extended to Mysore under the authority of the Government of India, Foreign Department, on the 30th April 1869, are published for general information.

Rules prescribed under Section XXXV of Bombay Act I of 1865 and passed by Government on 1st November 1865.

Section XXXV of Act to what Districts applicable.

1. This section of the Act shall be considered applicable only in Districts or parts of Districts where quarrying, brick-making, or the removal of the soil for other purposes, is carried to such an extent as to interfere materially with the value, present or future, of land as security for the land revenue.

Settlement of such Districts to be made by Dy: Superintendents and notified in Government Gazette.

2. The Districts, or portions of Districts, to which the section is to be made applicable, shall be settled by the Deputy Superintendents, with the sanction of the Superintendents of their respective Districts, and be notified in the Government Gazette.

Exempted Districts may be brought under operation of Section.

3. Any District or division of a District, exempted in the first instance, may with the sanction of the Superintendent, be brought under the operation of the section at any future time.

4. The Deputy Superintendent, with the sanction of the Superintendent, will allot those portions of

the

Portions of District to be allotted by Dy: Supdt. into classes & fines levied

the District to which the section may be made applicable, to one or more of the following classes, and in addition to the ordinary assessment, fines will be leviable according to the following Scale of rates.

	Rate per acre.	
Class I.	100 Rs	or 30 times the fixed assessment whichever of the two may be the greater
" II	75 "	
" III	50 "	
" IV	25 "	

Calculation of Fines Proviso

5. The fine leviable shall as a rule be calculated on the entire area of a survey number or recognized share of a number, provided however that in cases where a large area is concerned, the Deputy Superintendent may fix a special rate to be charged for the number applied for.

Materials may be taken by occupants of Govt. land for certain purposes. Exception

6. Occupants of Government land may take, without fee material from their own fields for the construction of farm buildings, wells, tanks, and for agricultural works of all kinds but not for purposes of Sale or trade.

Procedure to be observed by occupants wishing to appropriate lands to purposes connected with agriculture

7. Occupants in Districts to which the Rules are applicable who are desirous of appropriating their lands to purposes unconnected with agriculture, or of removing

material from their own fields for purposes of trade, must first obtain through the Mukhtiar the permission of the Deputy Superintendent who will grant it on the terms fixed in Rule IV.

Rates fixed in Rule III to be applicable to building Sites. Proviso.

8. The rates fixed in Rule III as a payment for the privilege of removing materials shall be held to be applicable also to cases where land is appropriated for building sites, provided however that with respect to buildings erected, or in course of erection, before the passing of Bombay Act No. I of 1865, the levy of the rate will be held in abeyance, during the currency of the present lease, in Districts already settled.

Right of removing materials from unoccupied assessed or unassessed lands to be disposed of by Dy. Supdt.

9. The right of removing material from unoccupied assessed land, or from unassessed Government waste, will as a General rule be disposed of by the Deputy Superintendent by sale at public auction.

Discretionary power to the Deputy Superintendent in dealing with exceptional cases.

10. Where special circumstances exist which render the ordinary rules inapplicable, it shall be competent to the Deputy Superintendent, with the sanction of the Superintendent to fix a special rate, which may be either greater or less than the rates fixed by Rule IV

IV, or to accept an offer for lands coming under Rule IX instead of selling the right of removal by public auction -

/Signed/ W. C. Anderson -
Survey Commissioner,
Mysore.